REMARKS

The foregoing amendment amends Claims 1, 9, 17 and 18 to clarify the invention. Claims 1-18 are currently pending in the application. For the reasons set forth below, Applicants believe that the rejections should be withdrawn and that Claims 1-18 are in condition for allowance.

REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0013009 to Greening et al. ("Greening") in view of U.S. Patent Publication No. 2005/0288954 to McCarthy et al. ("McCarthy").

The claimed invention produces a recommended item list from (1) the client identifier associated client preference estimating factor information, and (2) the client preference estimating factor information. The client preference estimating factor information (2) indicates a preference regarding a particular item accessed by a client, without identifying the client, and only the client preference estimating factor information (2) is received from the item provider server along with a recommended item presentation request which also does not identify the client, whereas the client identifier associated client preference estimating factor information (1) is <u>obtained separately</u> from a third party organization.

The client preference estimating factor information (2) indicates the preference regarding particular items accessed by that client, but does not contain any information for identifying that client, such as a client identifier, so it is impossible to identify that client from the client preference estimating factor alone. However, when the client preference estimating factor information (2) is used in conjunction with the client identifier associated client preference estimating factor information (1), it is possible to identify other related clients with similar preferences regarding these particular items, and from these related clients with similar preferences it is possible to estimate other related items preferred by these related clients which are potentially items of interest to the one client as well, so that it is possible to produce the recommended item list suitable for the one client even though no

information for identifying the one client is used. The claimed invention does not require the item provider server to provide any information for identifying a client, such as a client identifier, when requesting a recommended item presentation, but is capable of producing a recommended item list suitable for the client because it separately obtains (1) the client identifier associated client preference estimating factor information and uses it in conjunction with (2) the client preference estimating factor information.

Since the item provider server is only required to provide the client preference estimating factor information (2) for that client, there is no need for the item provider server to share the client identifier associated client preference estimating factor information (1) for that client, which is regarded as valuable information that the item provider server is typically reluctant to disclose to others. Furthermore, because the present invention does not require any client identifier for producing the recommended item list suitable for the one client, the client identifier used by the item provider server does not have to be unique or common to all servers since it is not required to be disclosed by the claimed invention. *See* page 9, lines 14-35 and page 4, line 11 – page 5, line 5.

As noted by the Examiner, Applicants have previously stated that Greening does disclose a system that predicts the interest of a user in specific items, by directly using information which <u>identifies each client explicitly</u> and is <u>directly obtained from each client</u>, similar to (1) described above. However, as previously argued Greening does not describe or suggest "receiving a recommended item presentation request and a client preference estimating factor information of one client <u>from an item provider server</u>", since Greening describes obtaining a request <u>from a client</u>. Paragraphs [0050] and [0126] of Greening cited by the Examiner for allegedly disclosing receiving a request from an item provider server, do not describe or suggest any request for a presentation of recommended items without identifying the particular client. Nor does Greening describe "providing items to the plurality of clients through a network, where the <u>recommended item presentation request requests a presentation of recommended items, without identifying the one client,</u> and the client preference estimating factor information indicates a preference regarding particular items

accessed by the one client, <u>without identifying the one client</u>", since Greening describes information that <u>identifies a specific client</u>.

Although the Examiner admitted that Greening does not disclose "without identifying the one client" or that the "recommended list suitable for the one client is provided to the item provider server without requiring any information for identifying the one client from the item provider server," the Examiner alleged that Greening discloses "regarding particular items accessed by the one client...by using the client preference estimating factor as a key for obtaining related clients and related items from the client identifier associated client preference estimating factor information." This limitation requires the use of the client preference estimating factor information (2) for obtaining the related clients and related items from (1) the client identifier associated client preference estimating factor information. The Examiner's contention regarding this limitation being disclosed by Greening is contradictory to the Examiner admission that Greening does not disclose (2) the client preference estimating factor information. Since the Examiner admitted that Greening does not disclose (2), Greening cannot be properly relied upon to disclose the above described limitation, wherein (2) is used as a key for obtaining related clients and related items from (1).

The Examiner also alleged that McCarthy discloses not identifying the client and providing a recommended list for the client without requiring any information for identifying the client. Applicants note that the cited McCarthy reference in not a proper prior art reference. The present application was filed January 18, 2002 and the cited McCarty reference was filed June 6, 2005. However, Applicants note that the improper McCarthy reference claims an earlier priority to U.S. Patent No. 6,904,408 filed October 19, 2000, which is a proper reference based on its filing date, as such Applicants will address the McCarthy reference.

Paragraph [0207] of McCarthy cited by the Examiner discloses a provision for suggesting media and themes appropriate for each individual, where the level or scope of the recommendation is based on whether a legacy database information entry is present for the user. A "known non-anonymous" user is a user that has a psychological profile in the legacy

database, and the legacy database information is used to provide a more accurate personalization and prediction. An "anonymous" user is a user that does not have a psychological profile in the legacy database, and an anonymous user may still "be tracked based on IP address for each session tracking to establish useful predictive suggestions based on broad demographics, click stream and physiologic responses that identify the traits of a demographic group." In other words, the "anonymous" user status of McCarthy simply means that the user does not have a psychological profile in the legacy database, and as such the "anonymous" user will not receive a prediction as accurate and personalized as compared to a "known non-anonymous" user (i.e., a user that does have a psychological profile in the legacy database).

The Examiner alleged that Paragraphs [0192] and [0200] of McCarthy disclose predicting user interests without identifying the user and also without using an IP address or a client identifier. Paragraph [0192] of McCarthy describes that the database contains input signals, and several psychological and emotional categories that are clustered subsets of signals, and that the neural network combines characteristics of browser user sessions and legacy data, and physiologic signals to recommend ads media and content themes. Paragraph [0192] does not disclose or describe predicting user interests without identifying the user, because as described above the "known non-anonymous" user is a user that has a psychological profile in the legacy database, thus paragraph [0192] describes the scenario of a known non-anonymous user (i.e., the legacy database is used only for known non-anonymous users).

Paragraph [0200] of McCarthy describes the type of indicator sources that are combined to obtain a weighted collection of factors known as the "Escore" which is used to "indicate the affinity of a viewer for materials that have been shown and can be an indication of the likelihood of making an order for material … and stated viewer preferences personal profiles or commonly assigned profiles built using demographics of like consumers of the particular product if no profile is available." Paragraph [0200] describes the scenario for an "anonymous" user, which as described above is a user that does not have a psychological

profile in the legacy database. An anonymous user may still be tracked based on IP address for each session to establish useful predictive suggestions based on broad demographics, click stream and physiologic responses that identify the traits of a demographic group. *See* [0207]. Paragraph [0200] describes that a user is identified either by a profile (known non-anonymous user) or by an IP address (anonymous user). Paragraph [0200] does not disclose or describe predicting user interests <u>without</u> identifying the user.

The legacy database information and broad demographics of McCarthy do not describe (1) the client identifier associated client preference estimating factor information or (2) the client preference estimating factor information. The "anonymous" users of McCarthy are identified by IP address and predictive suggestions are based on click stream and physiologic responses, thus McCarthy does not disclose a client preference estimating factor information that indicates a preference of the one client "without identifying the one client." McCarthy does not disclose or suggest providing a recommendation suitable for a particular client "without requiring any information for identifying" the particular client, because the users of McCarthy are identified by IP address.

The present claimed invention is not related to a provision for providing recommendations for both non-anonymous and anonymous users. The clients are identified in connection with the above described (1) the client identifier associated client preference estimating factor information, <u>while at the same time</u> the clients are not identified in terms of the above described (2) the client preference estimating factor information. The present invention enables the item provider server to make the recommended item presentation request without identifying the client, and yet the recommended item list provided in response to the anonymous request is a list that is suitable for a particular client as if it is a recommended item presentation list for an identified client.

The cited sections of McCarthy do not describe providing the recommended item list suitable for that client to the item provider server without requiring any information for identifying that client from the item provider server, as required by Claim 1. Moreover,

McCarthy does not disclose if or how the system can produce a recommended item list for a specific client using information from multiple users.

Even if Greening and McCarthy are combined, the combination only provides a system that allows a user without a profile to receive a generic recommendation. For example, if the user allows its information to be transmitted and is thus no longer anonymous, then the combined system can predict the interest of a user in specific items, by directly using information which identifies each client and is directly obtained from each client, as described by Greening. If the user does not have a legacy database entry, but allows physiologic responses and click stream to be transmitted, the user will receive a recommendation based only on general traits of a demographic group that corresponds to the user's physiologic responses, as described by McCarthy. The combination does not describe or suggest receiving (1) the client identifier associated client preference estimating factor information from a third party organization and (2) the client preference estimating factor information which does not identify the client from the item presentation server along with a recommended item presentation request which also does not identify the client and using (1) and (2) to produce a recommended item list, as recited by independent Claims 1, 9, 17 and 18.

The dependent claims further define the invention and are patentable for at least the same reasons as the independent claims. In particular, Claims 6-8 recite additional details regarding producing the recommended item list using both (1) the client identifier associated client preference estimating factor information from a third party organization and (2) the client preference estimating factor information from the item presentation server. The Examiner rejected Claims 6-8 by making further reference to Greening. Since the Examiner admitted that Greening does not disclose (2), Greening cannot be properly relied upon to reject claims that further define using both (1) and (2) to produce a recommended item list.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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